

FIRST REGULAR SESSION

# HOUSE BILL NO. 791

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LAFAVER.

2027L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 167.126, RSMo, and to enact in lieu thereof one new section relating to per-pupil costs for educational services for certain school children.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 167.126, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.126, to read as follows:

167.126. 1. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per-pupil costs for educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           3. When educational services have been provided by the school district or special school  
19 district in which a child actually resides, including a child who temporarily resides in a children's  
20 hospital licensed under chapter 197, for rendering health care services to children under the age  
21 of eighteen for more than three days, other than the district of domicile, the amounts as provided  
22 in subsection 2 of this section for which the domiciliary school district or special school district  
23 is responsible shall be paid by such district directly to the serving district. The school district,  
24 or special school district, as the case may be, shall send a written voucher for payment to the  
25 regular or special district constituting the domicile of the child served and the domiciliary school  
26 district or special school district receiving such voucher shall pay the district providing or  
27 procuring the services an amount not to exceed the average sum produced per child by the local  
28 tax efforts of the domiciliary districts. In the event the responsible district fails to pay the  
29 appropriate amount to the district within ninety days after a voucher is submitted, the state  
30 department of elementary and secondary education shall deduct the appropriate amount due from  
31 the next payments of any state financial aid due that district and shall pay the same to the  
32 appropriate district.

33           4. In cases where a child whose domicile is in one district is placed in programs or  
34 facilities operated by the department of mental health or resides in another district pursuant to  
35 assignment by that department or is placed by the department of social services or a court of  
36 competent jurisdiction into any type of publicly contracted residential site in Missouri, the  
37 department of elementary and secondary education shall[, as soon as funds are appropriated,] pay  
38 the serving district from funds appropriated for that purpose the amount by which the per-pupil  
39 costs of the educational services exceeds the amounts received from the domiciliary district  
40 except that any other state money received by the serving district by virtue of rendering such  
41 service shall reduce the balance due.

42           5. Institutions providing a place of residence for children whose parents or guardians do  
43 not reside in the district in which the institution is located shall have authority to enroll such  
44 children in a program in the district or special district in which the institution is located and such  
45 enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The  
46 provisions of this subsection shall not apply to placement authorized pursuant to subsection 1  
47 of this section or if the placement occurred for the sole purpose of enrollment in the district or  
48 special district. "Institution" as used in this subsection means a facility organized under the laws  
49 of Missouri for the purpose of providing care and treatment of juveniles.

50           6. Children residing in institutions providing a place of residence for three or more such  
51 children whose domicile is not in the state of Missouri may be admitted to schools or programs  
52 provided on a contractual basis between the school district, special district or state department  
53 or agency and the proper department or agency, or persons in the state where domicile is

54 maintained. Such contracts shall not be permitted to place any financial burden whatsoever upon  
55 the state of Missouri, its political subdivisions, school districts or taxpayers.

56 7. For purposes of this section the domicile of the child shall be the school district where  
57 the child would have been educated if the child had not been placed in a different school district.  
58 No provision of this section shall be construed to deny any child domiciled in Missouri  
59 appropriate and necessary, gratuitous public services.

60 8. For the purpose of distributing state aid under section 163.031, a child receiving  
61 educational services provided by the district in which the child actually resides, other than the  
62 district of domicile, shall be included in average daily attendance, as defined under section  
63 163.011, of the district providing the educational services for the child.

64 9. Each school district or special school district where the child actually resides, other  
65 than the district of domicile, may receive payment from the department of elementary and  
66 secondary education, in lieu of receiving the local tax effort from the domiciliary school district.  
67 Such payments from the department shall be subject to appropriation and shall only be made for  
68 children that have been placed in a school other than the domiciliary school district by a state  
69 agency or a court of competent jurisdiction and from whom excess educational costs are billed  
70 to the department of elementary and secondary education.

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